

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN DOE AND JANE DOE, AS THE) CASE NO.: 2:08 CV 575
NATURAL PARENTS AND NEXT)
FRIENDS OF THEIR MINOR CHILD,) JUDGE GREGORY FROST
JAMES DOE,)
Plaintiffs,) MAGISTRATE JUDGE KING
vs.)
MOUNT VERNON CITY SCHOOL) **DEFENDANT JOHN FRESHWATER'S**
DISTRICT BOARD OF EDUCATION, ET) **MEMORANDUM IN OPPOSITION TO**
AL.,) **PLAINTIFFS' MOTION TO COMPEL**
Defendants.)

NOW COMES Defendant, John Freshwater, by and through his trial attorneys, Robert H. Stoffers and Jason R. Deschler of the law firm of Mazanec, Raskin, Ryder & Keller Co., L.P.A., and hereby submits the within Memorandum in Opposition to Plaintiffs' Motion to Compel.

Plaintiffs filed a Motion to Compel for the production of certain documents and to conduct a further deposition of John Freshwater. As is set forth within *Exhibit 7* to Plaintiffs' Motion, the undersigned Counsel for Defendant Freshwater did not have any knowledge of the existence of the documents referenced within Plaintiffs' Counsel's December 15, 2009 correspondence (*Exhibit 6 to Plaintiffs' Motion*), until the documents were produced at the related Administrative Hearing by Attorney R. Kelly Hamilton (Defendant John Freshwater's counterclaim counsel). Mr. Hamilton recently informed Counsel for Defendant Freshwater of his intention to provide Plaintiffs' counsel with the requested documents that were produced at the Administrative Hearing.

Additionally, while Counsel for Defendant Freshwater does not object to a further deposition of John Freshwater, such further deposition should be limited to no more than two (2) hours as Defendant Freshwater has already been deposed for seven (7) hours. Also, the scope of such further deposition should be limited to only questions regarding documents at issue.

WHEREFORE, Defendant John Freshwater respectfully requests this Court to deny Plaintiffs' Motion to Compel.

Respectfully submitted,

MAZANEC, RASKIN, RYDER & KELLER CO., L.P.A.

s/ Robert H. Stoffers

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Counsel for Defendant John Freshwater

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2010, a copy of the foregoing *Defendant John Freshwater's Memorandum in Opposition* was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Robert H. Stoffers

ROBERT H. STOFFERS (0024419)
JASON R. DESCHLER (0080584)